

SCANNED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHIKEZIE OTTAH

CASE NO. 1:10-cv-07296-CM

PLAINTIFF

[JUDGE COLLEEN MCMAHON]

VS

1<sup>st</sup> MOBILE TECHNOLOGIES

Date: 10/04/2011

Dear Judge Colleen McMahon

Thank you for given us opportunity to decide if Markman hearing is necessary to clarify that FMT have infringe on my patent, I was in communication with FMT counsel Mr. Joshua A. Lorentz (on the phone and e-mails) until they release their decision on September 30<sup>th</sup> 2011.

FMT Position:

Markman hearing is not necessary

Defendant Request For Answer:

The defendant answer to my 2<sup>nd</sup> amended complaint suggest he need clarity to understood the patent infringement action against his company. Example, page 1, numbers 4, 5, and 6 of defendant's answer to my second amended complaint denies FMT product (s) infringes on patent US 7,152,840.

Further reason to believe the defendant need clarity is in page 2, numbers 7, 8, 9 and 10 of his affirmative defense, see page 2 of defendant's answer to my second amended complaint with defenses and counterclaims. ( A copy is attached).

Markman Hearing

Therefore, to prove the case of patent infringement with clarity, the defendant deserve the right to hear and read the answers to those issues and concerns he raised in pages 1 and 2 of defendant's answer to my second amended complaint with defenses and counterclaims, answered with clarity.

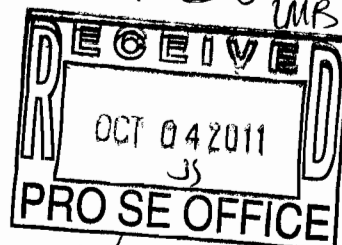
I have in my last affirmation in opposition to motion to dismiss, named, a respond to the memorandum, dated April 13, 2011 informed the court that I have the same patent in other country (s) and I intend to introduce the patent for clarity.

Sincerely  
Chikezie Ottah

MEMO ENDORSED

10/12/2011

While Mr. Ottah contends in conclusory fashion that there is no need for a Markman hearing, he offers no substantive reason why this is so - he identifies no claim term over which the parties differ. Therefore, defendant shall file a motion for summary judgment on the schedule previously set by the court. If, in the course of briefing that motion, it becomes apparent that the parties differ over the definition of a claim term, we will devise procedures for a Markman hearing. Colleen McMahon



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